

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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February 2, 2012

Memo to Counsel Re: MDL-1586, Franklin Templeton Sub-Track
Heidi Hertz v. Harmon Burns, et al.
Civil No. JFM-04-1624

Dear Counsel:

This will confirm the matters discussed during the conference held on January 30, 2012.

First, the notice of voluntary dismissal without prejudice (document 1459) is hereby stricken on the ground that a voluntary dismissal of a derivative action is subject to the approval of the court, and I have concluded that in light of the age of this litigation Franklin Templeton is entitled (as it has chosen to do) to seek finality by filing a motion for summary judgment.

Second, the following briefing schedule is hereby established in connection with Franklin Templeton's anticipated summary judgment motion.

February 29, 2012	Deadline for Franklin Templeton to file motion for summary judgment
March 29, 2012	Deadline for plaintiff's opposition
April 18, 2012	Deadline for Franklin Templeton's reply

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge